WP(C) 4275/2005
BEFORE
THE HON'BLE MR. JUSTICE B.K.SHARMA

JUDGMENT AND ORDER (ORAL)

Heard Mr. R.P. Sarmah, learned Sr. counsel assisted by Mr. A. Ozah, learned counsel for the petitioners. Also heard Mr. A.C. Buragohain, learned Addl. Advocate-General, Assam along with Ms R. Chakraborty, learned State counsel. The private respondents namely, the Respondents No.7, 8 and 9 are being represented by their respected counsel namely, Mr. A.J. Sarma along with Mr. D.C. Borah, Mr. A.R. Sikdar and Ms D. Deka, learned Advocates.

2. By means of this writ petition, the petitioners aspiring for appointment as Welder, Stenographer and Draughtsmen (Civil) under the respondents being not successful in the written examination held for the purpose, have approached this Court alleging foulplay and procedural irregularity in conducting the selection. According to the petitioners, the advertisements for the posts were not properly published. It is further alleged that the selection committee, as contemplated under the rules namely, the Assam Craftsmen Training Service Rules, 1993 was not constituted for the purpose of selection. The petitioners have also questioned the eligibility of some of the selected candidates without, however, making them party respondents to the writ petition.

3. From the materials on record, it appears that the advertisement was issued for the appointment in various posts numbering 121 in different trades namely, Welder, Stenographer, Draughtsmen etc. There is no dispute that the petitioners were invited for written examination and they appeared in the same. It will be pertinent to mention here that since the selection was conducted for appointment in these different trades, throughout the State, different examination centers were notified district-wise. The examination committees for the districts were constituted to hold the examinations. It is in this regard, the petitioners have questioned the validity of the constitution of the committee in reference to Rule 15 (2) of the aforesaid Rules.

4. As per Rule 15 (2) of the Rules, the Board for the purpose of selection is comprised of the following members :-

2) In respect of the posts in all other cadres :

a) Director, Craftsmen Training - Chairman
b) Joint Director, Craftsmen Training - Member
c)Deputy Director, Craftsmen Training Member
d) Administrative Officer, Directorate of
Employment & Craftsmen Training - Member Secy.

5. However, according to the petitioners, since the examination committee was different from the aforesaid Board, the entire selection was vitiated. The respondents have filed their counter affidavit denying the contention raised in the writ petition. It has been stated that the selection was done properly. As regards the publication of the advertisement, it has been stated that the same was published in different newspapers. The respondents have contended that since the petitioners appeared in the written examination, they cannot make any grievance regarding the allegation of not giving wide publicity in respect of the selection and the constitution of the Selection Board.

6. From the materials on record, it appears that in respect of the aforesaid three categories, only the written examinations were held and the successful candidates are yet to be invited for viva voce test. Thus, the selection is not yet over. But in view of the on-going writ proceeding, the respondents have not been able to finalize the same. In view of the instant proceeding, some of the candidates, although have been selected for different trades, have also not been appointed. The Respondents No.7, 8 and 9, although have been selected in

different trades, in view of the stay order operating in the writ proceeding, have not been appointed by the official respondents. It is made clear that since the instant proceeding does not pertain to trades other than the aforesaid three trades, there is no impediment for the official respondents to appoint them, if they have been selected and are within the zone of consideration.

7. I have gone through the records produced by the learned State counsel including the Answer Scripts. On perusal of the same, it appears that the petitioners could not come out successful in the written examination, about which mention has been made in the affidavit-in-opposition. If the petitioners have not been qualified in the written examination, they cannot question the validity of the selection on the grounds on which they have questioned the same. As noted above, the selection process is yet to be over in respect of the trades of Welder, Stenographer and Draughtsmen. Since the petitioners have not qualified in the written examination, there is no question of inviting them to viva voce test. However, it is made clear that the respondents will bear in mind the requirement of constitution of the selection committee, as contemplated in the rules.

8. In Paragraph 10 of the counter affidavit filed by the respondents, dealing with the contention regarding the educational qualification on the part of the selected candidates, it has been stated that the verification of the certificates to be done in the interview is not yet over and that, if during the interview, it is found that the certificates are not acceptable, then the candidatures of those candidates would be rejected.

9. Mr. Ozah, learned counsel for the petitioners, referring to the statement made in Paragraph-18 of the affidavit-in-reply, submits that some of the candidates, who were not even selected, found favour with appointment. However, apart from the fact that none of the selected candidates is party to this proceeding, the trades in which the said candidates have been appointed, are not the trades, in which the petitioners have sought for their selection.

10. In view of the above, both on merit as well as on ground of non-joinder of necessary parties, the writ petition merits dismissal which I accordingly do. Writ petition is dismissed. Interim order passed earlier stands vacated.